

requested that the District Court might be re-transferred to Alwaye and if that is considered inexpedient, that the First Class Magistrate's Court recently sanctioned for Perumpavur might be located at Alwaye.

Dewan's reply.—The necessity for a First Class Magistrate's Court for the northernmost taluks was urged at the previous sessions of the Assembly. During my recent tour to North Travancore, from the addresses presented to me and certain petitions received and also from the conversation I had with the people, I was convinced of the need for the First Class Magistrate's Court. I also thought that the Court should be centrally situated in respect of the taluks of Alangad, Kunnathnad and Muvattupuzha. In this view, Perumpavur was chosen for the location of the Court. Perumpavur is only 10 miles from Alwaye. There would be a Divisional First Class Magistrate's Court at Perumpavur and the Tahsildar recently transferred to Parur has also first class powers. The Parur District Court also is situated at a distance of only 10 miles from Alwaye and it is impossible to shift it from there for several reasons. The Government do not therefore think it necessary or desirable to make any changes in the present arrangement of courts.

(4) CIVIL JUSTICE.

The inconvenience and hardship caused to parties by the commissioners appointed by civil courts.

Mr. Vikraman Velayudhan Unnithan (Member, Quilon taluk) said that in the matter of appointment of commissioners, the lower courts did not follow the procedure prescribed by the High Court. The Government had more than once instructed the High Court about the necessity for appointing proper men as commissioners and the High Court had also issued circulars on the subject. But there was no end to the trouble to the people at the hands of the commissioners. In many cases, men without any knowledge of the methods of valuation of trees and without proper education were deputed as commissioners. They often took the side of the parties whose instance they were appointed, but could be won over to the other side if they were paid more. In brief, the people suffered untold hardship and needless expenditure in the matter. The Member also complained about the inordinate delay in the submission of their reports and about the unsatisfactory manner in which the reports were prepared by some of the inexperienced and irresponsible commissioners. There was also no uniformity in the manner of levying commissions of forefeiture. He therefore requested that experienced vakils attached to the several courts, or respectable landowners, a list of whom might be kept in each court with the previous approval of the High Court, might be appointed as commissioners. In any case, it should be noted that the reports of the commissioners should be attested by respectable ryots of the locality paying a Sirkar tax of Rs. 50 and upwards. That at least would act as a check on the vagaries of the commissioners.

Dewan's reply.—The High Court have already issued stringent instructions to appoint as commissioners respectable and competent men, who would be acceptable to both parties. The representations of the Member will again be brought to their notice for such action as may be practicable in view to minimise the evils complained of.

47. Inconvenience to parties in the execution of decrees.

Mr. Koyakutti Mahomed Kunju (Member, Trading Classes, Quilon) complained about the delay in the granting of copies of decrees from courts. The delay in some cases exceeded six months and the judgment-debtors alienated their properties in the meantime. He also complained about the delay in the issue of warrants for the arrest of decree-debtors. The delay enabled them to obtain a knowledge of the proceedings and to remain in hiding. He next referred to the large number of processes entrusted to a single process-server and said that the procedure resulted in unsatisfactory and ineffective service. Lastly, the Member adverted to the scant attention now paid by the courts in the disposal of execution cases. He therefore requested that orders might be issued to grant copies of decrees

within a fixed period, to issue warrants of arrest, if possible, on the date of application or the next day, to entrust only as many warrants to a single process-server as would be possible for him to serve properly, and to set apart one day in a week for disposing of execution cases.

Dewan's reply.—Noted.

48. Grievances of the litigant public and suggestions for redressing them.

Mr. V. Narayanan Unnithan (Member, T. I. C., Haripad) complained about the hardships caused to the litigants by the new Court Fees Regulation and process fee rules and the rules of practice and suggested the following modifications:

(1) When copies of chittas, measurement-plans and other revenue records were applied for in the taluk office, the applicants had to produce half a rupee per copy stamp paper and when the copy prepared on that paper was filed in courts, the courts insisted on affixing a half rupee court fee stamp to such a copy. When the application was for copies of plans relating to more than one property, separate copies were prepared in respect of each property and when those copies were filed in courts, each of the copies was taxed with half a rupee again. The recovery of the stamp duty in both the courts was a great hardship to the people and should be discontinued.

(2) Another source of hardship was the levy of court fee in respect of copies of judgments and decrees when produced in courts. That should also be removed. Although there was no provision in the Civil Procedure Code for production of decrees when applying for execution, the courts insisted on it on the strength of Civil Circular No. 54 of 1979. If the case was transferred to another court for execution, a separate decree had to be produced before the latter court also. He requested that the circular might be cancelled and copies of such decrees exempted from payment of court fee.

(3) Applications for return of documents presented by witnesses were exempted from payment of court fee while the applications from parties were taxed. Parties were also required to produce half a rupee stamp to be affixed to the copies of documents for return of which was sought for. Those provisions should be cancelled as they entailed needless expenditure.

(4) Owing to want of provision in the scale of process fees for Munsiffs' Courts in cases where the amount exceeded Rs. 1,000, the amount fixed for the District Courts was realised in the Munsiffs' Courts also. The maximum in the said Munsiffs' Courts should be fixed at 14 fs. and the same amount should be declared to be the maximum fee in cases of decrees transferred from the District to the Munsiffs' Courts for execution.

(5) The present practice of levying 3½ fs. for a single process and one family for every other process to be served in the same place was unnecessary as it did not involve more than one process-server's work. Payment of a single process fee of 3½ fs. should be declared sufficient in such cases.

(6) Similarly, payment of *ad valorem* process fees in the case of attachment under Section 265 of the Civil Procedure Code and of one rupee in the case of injunction, etc., might be altered into 3½ fs.

(7) The practice of realising process fee for attachment of decrees in the same courts should be stopped, as it involved no process work.

(8) In the case of warrant of delivery of possession when no attachment took place, the same fee for attachment was being realised, while in the case of delivery of possession of property sold in auction, a sum of 2½ fs. in the case of small causes and 5½ fs. in civil cases was realised. The same rates of 2½ fs. and 5½ fs. should be adopted in both the cases.